

### **REMARKS**

Claims 1-32 were previously pending in this application. Claims 12-30 and 32 are allowed and claims 2, 3, 10, 11 were objected to. Claims 1, 4-9, and 31 were rejected.

5        Claims 1 and 3 are presently amended and claim 2 cancelled. Based upon the previously allowed claims and objected-to claims, Applicants believe each of presently pending claims 1 and 3-32 are allowable.

#### **I. Allowable Subject Matter**

10        Applicants thank the Examiner for indicating, in paragraph 5, that claims 12-30 and 32 are allowed.

#### **II. Claim Objections**

In the Office Action Summary, it was indicated that claims 2, 3, 10 and 11 were objected to. These claim objections are overcome for reasons set forth below.

15        Previously pending claim 2 depended from independent claim 1 and the features of previously pending claim 2 have been added to its base claim, claim 1. Claim 1 is therefore in allowable form. Claim 2 has been cancelled and claim 3 has been amended only to change its dependency: claim 3 now depends from claim 1. Since claims 3, 10 and 11 each depend, directly or indirectly, from independent claim 1 which is now allowable, the objections to claims 3, 10 and 11 should also be withdrawn.

#### **III. Claim Rejections Under 35 U.S.C. §102**

20        In paragraph 2 of the Office Action, claims 1, 4, 5, 7-9, and 31 were rejected under 35 U.S.C. §102(b) as being anticipated by Kono (U.S. Pat. #6,392,944). These claim rejections are now obviated since claim 1 is now in allowable form as above.

Moreover, since claims 4, 5, 7-9, and 31 depend from claim 1 which is in allowable form, the rejection of claims 4, 5, 7-9, and 31 under 35 U.S.C. §102(b) should also be withdrawn.

**IV. Claim Rejections Under 35 U.S.C. §103**

In the Office Action, specifically in paragraph 4, claim 6 was rejected under 35 U.S.C. §103(a) as being unpatentable over Kono for reasons that appeared in the previous Office action. This rejection is obviated since claim 6 ultimately depends from claim 1 which is allowable for reasons set forth above. Claim 6 is in allowable form and the rejection of claim 6 under 35 U.S.C. §103(a) should therefore be withdrawn.

**CONCLUSION**

Based on the foregoing, each of claims 1 and 3-32 is in allowable form and the application is therefore in condition for allowance, which action is respectfully and expeditiously requested.

Respectfully submitted,

Dated: 02 May, 2005

  
Mark J. Marcelli, Reg. No. 36,593  
Attorney for Applicants

DUANE MORRIS LLP  
101 West Broadway, Suite 900  
San Diego, CA 92101  
619.744.2200 Main Phone  
619.744.2201 Main Fax